

AMENDING THE MARINE PROTECTION, RESEARCH, AND
SANCTUARIES ACT OF 1972

APRIL 30, 1980.—Committed to the Committee of the Whole House on the State
of the Union and ordered to be printed

Mr. FUQUA, from the Committee on Science and Technology, submitted
the following

REPORT

[To accompany H.R. 6616, which on February 26, 1980, was jointly referred to
the Committee on Merchant Marine and Fisheries and Science and
Technology]

[Including cost estimate of Congressional Budget Office]

The Committee on Science and Technology, to which was referred
the bill H.R. 6616 to amend the Marine Protection, Research, and
Sanctuaries Act of 1972 to authorize appropriations to carry out the
provisions of such Act for fiscal year 1981, and for other purposes,
having considered the same, report favorably thereon with amend-
ments and recommend that the bill as amended do pass.

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AMENDMENTS

The amendments are as follows:

On page 3, line 17, strike "\$10,396,000" and insert in lieu thereof
"\$11,396,000".

On page 10, strike out Section 9 and insert in lieu thereof the following:

SEC. 9. Section 106 of the Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 1416) is amended by adding at the end thereof a new subsection as follows: "(f) Notwithstanding any other provision of law, dumping of dredged materials in the Long Island Sound shall comply with the provisions of Section 103 of this Act, in addition to other applicable Federal and state requirements."

I. PURPOSE OF THE BILL

H.R. 6616 would amend section 111 of Title I, section 204 of Title II, and section 304 of Title III of the Marine Protection, Research, and Sanctuaries Act of 1972, to authorize appropriations to carry out the provisions of such act for fiscal years 1981 and 1982, as follows:

Fiscal year 1981:

Title I.....	\$1,039,000
Title II.....	11,396,000
Title III.....	2,250,000

Fiscal year 1982: Title II..... 12,000,000

In cases where a Federal agency desires to ocean dump material from a foreign location, the bill would allow that agency to apply for a permit to the foreign government involved, provided that the Environmental Protection Agency (EPA) concurs with the proposed agency action.

H.R. 6616 contains an amendment stipulating that dumping of dredged materials in the Long Island Sound shall comply with the provisions of Section 103 of the Marine Protection, Research, and Sanctuaries Act of 1972 and transfers certain activities related to research on alternative methods of disposal, currently authorized to the Secretary of Commerce, to the Administrator of the Environmental Protection Agency.

Finally, the bill amends several sections of Title III of the Marine Protection, Research, and Sanctuaries Act of 1972 and mandates the termination of all dumping of industrial wastes in the ocean by December 31, 1981.

II. COMMITTEE ACTIONS

H.R. 6616 was introduced on February 26, 1980 by Mr. Murphy of New York, with Mr. McCloskey, Mr. Fuqua, Mr. Studds, Mr. Pritchard, Mr. Forsythe, Mr. Ambro, Mr. Walker, Mr. Hughes, Mr. Bauman, and Mr. Blanchard as cosponsors, and was jointly referred to the Committees on Merchant Marine and Fisheries and Science and Technology.

Previously, on March 7 and 8, 1979, the Subcommittee on Natural Resources and Environment of the House Science and Technology Committee had heard testimony from the National Oceanic and Atmospheric Administration (NOAA), the Environmental Protection Agency (EPA), and the U.S. Army Corps of Engineers and considered the transfer of responsibilities regarding research on ocean dumping alternatives from NOAA to EPA, as contained in Section 2 of H.R. 6616. During hearings held on February 27, 1980, to consider portions of the fiscal year 1981 budget request of NOAA, the Sub-

committee on Natural Resources and Environment heard testimony from NOAA witnesses on research programs encompassed by Title II of the Act and on NOAA's fiscal year 1981 request for these programs. No other persons asked to be heard on the bill.

On March 27, 1980, the Subcommittee on Natural Resources and Environment, by unanimous voice vote, ordered H.R. 6616 reported to the full Committee on Science and Technology with two amendments. The first amendment, offered by Mr. Ambro, decreased fiscal year 1981 authorization for Title II research funds from \$10,396,000 to \$9,896,000. The second amendment, also offered by Mr. Ambro, added a new subsection to Section 106 of the Act to insure that Long Island Sound received the same degree of protection as ocean waters with regard to the dumping of dredged materials.

On April 22, 1980, the Committee on Science and Technology considered H.R. 6616, as reported by the Subcommittee on Natural Resources and Environment, and adopted the Subcommittee recommendations. An amendment was offered by Mr. Hance to increase the authorization level for Title II studies by \$1,500,000, to expand analysis of the long-term effects of the Campeche oil spill, as proposed in NOAA's October 8, 1979 Ixtoc I Damage Assessment Plan. The Hance amendment passed by unanimous voice vote.

A quorum being present, the Committee ordered H.R. 6616 reported to the House, as amended, by unanimous voice vote.

III. BACKGROUND AND NEED FOR THE LEGISLATION

Introduction

Since the dawn of recorded history, man has maintained a close relationship with the oceans. Early civilizations developed and prospered because of their ability to capitalize on the economic and transportation benefits derived from the seas.

For thousands of years, the oceans have been the commercial highways of civilization. Over the centuries, man's impact on the marine environment was minimal, until the dawn of the age of industrialization. With virtually total disregard for the consequences, we have ignored the routine discharge of organic and inorganic substances into our oceans. For more than 200 years, man polluted the streams and rivers, poisoned the lakes, and seemed well on the way to upsetting the fragile balance of ocean ecosystems. Finally, our sense of outrage over this environmental degradation brought a series of laws which has reversed the trend and allowed the seas to begin to recover.

The Ocean Dumping Act

Prior to April 23, 1973, waste dumping in U.S. coastal waters was not regulated. Since that time a Federal permit has been required under provisions of the Marine Protection, Research, and Sanctuaries Act, better known as the Ocean Dumping Act. Much of the research carried on by the EPA in support of the regulatory requirements of title I of the act is done with funding obtained under other legislation. NOAA has done significant research under title II of the act to determine the effects of past and current introduction of human-generated wastes into marine ecosystems. However, since enactment of the legislation, NOAA has taken the position that research authorized under section 203 of the act regarding ocean dumping alternatives is not

appropriate to the NOAA mission and has never requested funding under that section.

Scope of the Problem

It is generally conceded that we are on the verge of a major expansion in utilization of the sea. Many experts believe that man will have to sharply increase his dependence on fish as a protein source. If U.S. fisheries are already depleted as the result of years of overfishing. The extension to a 200-mile fishing limit will make fisheries management easier, but research continues to be required to determine the effects of various pollutants in the marine environment.

The near future will also be a period of major expansion of man's utilization of natural resources beneath the seas. It appears probable that vigorous exploitation of oil and gas resources will commence on the eastern Outer Continental Shelf (OCS). If there is any realistic hope of long-term maintenance of the environmental integrity of the OCS, baseline environmental studies must be conducted before full-scale production commences.

Achievements to Date

The Marine Protection, Research, and Sanctuaries Act of 1972 came effective on April 23, 1973. Since that time all ocean dumping of waste materials, with the exception of dredge spoil, has been regulated under permits issued by the Environmental Protection Agency.

In the period since 1973 there has been a dramatic decrease in dumping of industrial wastes and construction and demolition debris. The Congress has mandated December 31, 1981, as the deadline for discontinuance of all ocean disposal of sewage sludge.

A significant reduction in ocean dumping cannot be achieved environmentally sound replacement methods of disposal are identified and adopted. Among methods currently under study are incineration, pyrolysis, land disposal, waste recycling, and changes in industrial processes.

Future Goals

There is no question that the elimination of all harmful ocean dumping is an attractive goal. The pursuit of alternative methods of waste disposal should be continued in furtherance of that goal. The continued destructiveness of pollutants in the marine environment indicates that research in this area must be continued.

The general problem of pollution in the marine environment has numerous components, only one of which involves ocean dumping. Previous research has indicated that ocean outfalls, discharges from offshore platforms, and land runoff from rivers and estuaries are significant segments of the total problem. While most forms of pollution originating from these sources are regulated under the Federal Water Pollution Control Act Amendments of 1972 through the National Pollutant Discharge Elimination System, land runoff will continue to be a problem into the foreseeable future.

In years to come we must expect that increases in population and new industrial growth will fall most heavily in coastal areas, which historically always have grown more rapidly than inland areas. This growth will maintain pressures for ocean disposal either by direct or by outfall. In addition, much greater quantities of effluents will be discharged into the marine environment due to land runoff.

IV. COMMITTEE RECOMMENDATIONS

1. GENERAL VIEWS

The committee is deeply concerned with the health and environmental aspects of ocean dumping and believes that sufficient funding authorization must be provided in order to assure that a vigorous research and monitoring program is conducted. It is of particular importance to have an adequate information base to support future decisions relating to the protection and sound management of the oceans.

At the same time, it is necessary to demonstrate that these decisions can be implemented. For example, many State and local governmental authorities are faced with pressing environmental problems. Typically, however, they lack the specialized scientific expertise to effectively address those problems. Federal agencies such as the Environmental Protection Agency and NOAA have considerable scientific talent and resources available but must give first priority to much broader problems of national significance. The committee would like to see means developed by which this Federal expertise could be applied to a solution of problems facing municipalities and States or local governmental agencies. One means envisioned by the committee would be the encouragement of State and local input to Federal research planning to assure recognition of these problems. Another means might be some form of cost-sharing between local authorities and the Federal Government. For example, a State government might be able to share the cost of a research grant to a university to study the possible alternatives to ocean sludge disposal. Although many details would have to be worked out, the committee would like to see this and other mechanisms explored as a means of helping State and local governments cope with environmental problems that are beyond their capabilities.

2. SEC. 203 TRANSFER FROM TITLE II TO TITLE I

The Committee on Science and Technology has determined that the research currently authorized by section 203 of the act is more appropriately conducted by the Environmental Protection Agency than by the National Oceanic and Atmospheric Administration, since, with the exception of ocean incineration, disposal methods alternative to ocean dumping are, by definition, land-based. Since EPA is the lead Federal agency for research, development and demonstration of environmentally sound waste disposal methods, the committee adopted language which would accomplish this transfer of responsibility. This transfer was fully endorsed by both NOAA and EPA during hearings held before the Subcommittee on Natural Resources and Environment in 1979.

3. TITLE II AUTHORIZATION LEVELS

The Committee recommends increasing Title II authorization levels to \$11,396,000 in fiscal year 1981, in order to include: \$2,983,000 (NOAA Ocean Dumping Research); \$6,431,000 (NOAA long-term effects research); \$1,482,000 (Resource Assessment Studies); and \$500,000 (Hudson-Raritan Estuary Study). This total authorization level includes a \$500,000 reduction for a wet-weather technology study

in the New York Bight area, which will not be authorized in fiscal year 1981 under H.R. 6616, but rather under the Environmental Research, Development, and Demonstration Authorization Act of 1981 (H.R. 7099). The Hudson-Raritan Estuary study and a \$1,500,000 study of the long-term effects of the Campeche oil spill are discussed below.

The Committee commends NOAA for its planned allocation of Title II funds in fiscal year 1980 and suggests that in 1981 NOAA continue to expend its research efforts in two critical areas—fate and effects of synthetic organic substances and effects of disposal of toxic dredged spoils.

4. HUDSON-RARITAN ESTUARY PROJECT

The Committee has added \$500,000 to commence a five-year study of the Hudson-Raritan River Estuary. The scope of this study is to include the estuarine portions of the Hudson and Raritan Rivers, plus all of New York Harbor, including those regions of estuarine exchange between western Long Island Sound and the New York Bight. There are some 300 square miles included in this area, which is bordered by the five boroughs of the City of New York and the heavily industrialized and urbanized areas of Connecticut and New Jersey.

The Committee has been informed that NOAA is phasing down the field component of the Marine Ecosystems Analysis (MESA) research project in the New York Bight as that work reaches completion. The Committee believes that the proposed Hudson-Raritan Estuary Research Organization (HERO) will complement previous accomplishments resulting from work in the MESA program. The Committee therefore directs that such a study be undertaken as soon as is possible utilizing the research structure and expertise developed during the MESA program.

The Hudson-Raritan Estuary is seriously degraded as a result of the disposal or release of huge amounts of industrial and domestic wastes from the surrounding population. The Hudson-Raritan project is expected to monitor and evaluate the human health and ecological effects of key pollutants in the estuary and to develop information concerning the potential of rehabilitating the estuary under various waste management and abatement options.

5. IZTOC I OIL SPILL STUDY

The Committee has provided \$1,500,000 in new authorization to allow NOAA to immediately commence a long-term study of the fates and effects of oil pollutants resulting from the blow-out of the Iztoc I well in the Bay of Campeche on the coast of Mexico. The Committee is aware that NOAA has made a formal request to the Department of Commerce for these funds, but has not yet received DOC approval for this fiscal year 1980 supplemental request. Nevertheless, the Committee strongly believes that research on the fates and effects of the largest oil spill in recorded history is of the utmost importance. Any delay at this time in undertaking this study will lead directly to a loss of information which is essential to the proper analysis of cause-and-effect relationships.

The body of scientific knowledge available to both environmental scientists and regulators in this area is remarkably small. Most large spills have occurred under circumstances which have made detailed

studies from start to finish difficult, if not impossible. The short- and long-term effects of a major oil spill are not always obvious. Environmental consequences are expected, but the scope is difficult to anticipate. Economic and social consequences are less obvious. Much of the data currently available in this area is the result of research on smaller spills, and there appear to be numerous shortcomings in the available data.

The Committee directs the Administrator to ensure that sufficient resources within the Agency are dedicated to this study and further authorizes the Administrator to seek assistance from other agencies within the government.

6. LONG ISLAND SOUND

The Subcommittee on Natural Resources and Environment held a field hearing on October 13, 1979, to receive testimony from numerous parties concerning the potential environmental dangers of the disposal of contaminated dredge spoils in Long Island Sound. As a result of those hearings there is serious concern that without adequate safeguards to ensure that contaminated dredge spoils are not disposed of in the Sound, there is the potential for a major human health emergency. Therefore the Committee has adopted language which will require that bio-accumulation tests and bio-assay tests, already required before any permit may be issued for the ocean disposal of any dredge spoil, be undertaken before allowing similar disposal in the waters of Long Island Sound. The Committee believes that the safeguards of the Ocean Dumping Act represent minimum safety standards acceptable to dredge spoil disposal in the internal waters of the United States within Long Island Sound. Further, the Committee feels a high degree of public responsibility to safeguard and protect the public health and safety of nearly twenty million Americans who live on, or near, the shores of Long Island Sound and who utilize those waters for recreational swimming, boating and fishing, and to the millions who consume fish and shellfish from those waters each year.

V. SUMMARY OF THE AMENDED BILL

Section 1 amends section 111 of the Marine Protection, Research, and Sanctuaries Act of 1972 (MPRSA) to authorize appropriations to carry out provisions of Title I of such act for fiscal year 1981. Section 1 authorizes \$1,039,000 for the Environmental Protection Agency to operate its ocean dumping permit program and ocean dumpsite designation program.

Section 2 amends section 203 of MPRSA to transfer from the National Oceanic and Atmospheric Administration to the Environmental Protection Agency the authority to conduct research into alternative methods of disposal to ocean dumping.

Section 3 authorizes the appropriation of funds for fiscal year 1981 and fiscal year 1982 to the National Oceanic and Atmospheric Administration to conduct ocean dumping research and long-term effects research under MPRSA. Funding is authorized at the level of \$11,396,000 for fiscal year 1981 and \$12,000,000 for fiscal year 1982. The Committee has specified that \$500,000 be provided for continuation of a 5-year study of the Hudson-Raritan estuary and that \$1,500,000 be

provided to expand the ongoing assessment of the long-term effects of the Campeche oil spill.

Sections 4, 5, and 6 pertain to the Marine Sanctuaries Program and were not addressed by the Committee on Science and Technology.

Section 7 of H.R. 6616 amends section 4 of Public Law 95-153 to add industrial waste to sewage sludge in the provision requiring termination of ocean dumping activities by December 31, 1981. This section also authorizes issuance of limited permits for research involving the dumping of industrial waste after the 1981 deadline. Section 7 was not addressed by the Committee on Science and Technology.

Section 8 amends section 102 of the MPRSA to allow a federal agency to ocean dump material from a location in a foreign country after obtaining the concurrence of the Administrator of the Environmental Protection Agency. Section 8 was not addressed by the Committee on Science and Technology.

Section 9 amends section 106 of MPRSA by requiring that dumping of dredged materials in the Long Island Sound shall comply with the provisions of section 103 of MPRSA. This section insures that the same biological and chemical testing procedures used to assess the suitability of dredged spoils for ocean disposal would be used to assess the suitability of dumping dredged spoils in Long Island Sound.

VI. COST OF LEGISLATION

Pursuant to clause 7 of rule XIII of the Rules of the House of Representatives, the Committee estimates that the cost of the legislation will be as follows: Fiscal year 1981, \$14.685 million.

VII. OVERSIGHT FINDINGS AND RECOMMENDATIONS

No oversight findings and recommendations pursuant to clause 2(1)(3)(A), rule XI, by the Committee on Science and Technology under the authority of rule X, clause 2(b)(1) and clause 3(f), of the Rules of the House of Representatives, have been prepared since the convening of the 96th Congress.

VIII. CONGRESSIONAL BUDGET ACT INFORMATION

This bill provides for new authorization rather than new budget authority and consequently the provisions of section 308(a) of the Congressional Budget Act of 1974 are not applicable. No authorization for state or local financial assistance is included in the bill.

IX. CONGRESSIONAL BUDGET OFFICE—COST ESTIMATE

1. Bill number: H.R. 6616.

2. Bill title: A bill to amend the Marine Protection, Research, and Sanctuaries Act of 1972 to authorize appropriations to carry out the provisions of such Act for fiscal year 1981, and for other purposes.

3. Bill status: As ordered reported by the House Committee on Science and Technology, April 22, 1980.

4. Bill purpose: The bill authorizes funds for programs to protect the ocean environment. It authorizes appropriations for the Environmental Protection Agency (EPA) to issue permits for ocean dumping

and for the National Oceanic and Atmospheric Administration (NOAA) to carry out research on marine pollution, to monitor ocean dumping sites and to establish marine sanctuaries.

For the EPA permit program, \$1.5 million was appropriated for fiscal year 1979 and \$1.3 million for 1980; \$1.0 million was requested for this program in the 1981 budget, and \$1.0 million is authorized by this bill. NOAA received an appropriation of \$5.1 million for fiscal year 1979 and \$9.4 million for 1980 for marine pollution research and monitoring; the President has requested \$9.5 million for these activities for fiscal year 1981, while this bill authorizes \$11.4 million for fiscal year 1981. The marine sanctuaries program received an appropriation of \$0.5 million for fiscal year 1979 and \$1.8 million for fiscal year 1980; the 1981 request for this program is \$2.3 million, the same amount authorized by this bill.

5. Cost estimate:

Authorization level:

Fiscal year:	Millions
1981	\$14.7
1982	-----
1983	-----
1984	-----
1985	-----

Estimated outlays:

Fiscal year:	
1981	10.8
1982	3.9
1983	-----
1984	-----
1985	-----

The costs of this bill fall within budget function 300.

6. Basis of estimate: For the purpose of this estimate, it is assumed that all funds authorized will be appropriated prior to the beginning of fiscal year 1981. The funds authorized for EPA to issue and monitor ocean dumping permits are expected to be used primarily for salaries and administration and to be spent out at a rate of 90 percent the first year and 10 percent the second. The NOAA pollution research and monitoring funds are expected to be spent at a rate of 75 percent in the first year and 25 percent in the second. (This is based on the expectation that about 30 percent of the authorization is for salaries and will be spent out at 90 percent in the first year, while the rest is for studies and will be spent out at a somewhat slower rate.) The funds authorized for the marine sanctuaries program are expected to be spent at a rate of 60 percent in the first year and the remainder in the second.

7. Estimate comparison: None.

8. Previous CBO estimate: On March 26, 1980, CBO prepared a cost estimate for H.R. 6616, as ordered reported by the House Committee on Merchant Marine and Fisheries, March 19, 1980. The major differences reflected in this cost estimate include the addition of \$1 million for NOAA's research and monitoring program, primarily to study the long-term effects of the Campeche Oil Spill, and an authorization level for the EPA permit program of \$2 million less than that contained in the House Merchant Marine bill. Also, this version of the bill does not include authorizations for fiscal years 1982 and 1983 for NOAA's research and monitoring effort.

9. Estimate prepared by : Linda Alperin.

10. Estimate approved by :

C. G. NUCKOLS,
(For James L. Blum,
Assistant Director for Budget Analysis).

X. EFFECT OF LEGISLATION ON INFLATION

In accordance with rule XI, clause 2(1)(4) of the Rules of the House of Representatives, this legislation is assessed to have no adverse inflationary effect on prices and costs in the operation of the national economy.

Expenditures to be made pursuant to this act will be in support of the ongoing regulatory efforts of the Environmental Protection Agency in the ocean dumping permit program and for the administration of the Marine Sanctuaries Program administered through the National Oceanic and Atmospheric Administration.

Further expenditures to be made pursuant to this act will be in support of basic and applied research conducted in government laboratories, in colleges, universities, and private industry under grants and contracts and by other governmental agencies through formal inter-agency agreements. Such activities are generally labor-intensive in scientific and technical fields whose manpower is not being fully utilized in current economic circumstances. Therefore, the funds provided under this bill will not contribute to competitive pressures for manpower and accordingly will not contribute to inflation.

The research and development program supported under this act produces useful scientific information and the most cost-effective technologies in furtherance of marine environmental protection. In the long run it is expected that savings could occur by providing data which will lead to lessened environmental pollution in the marine environment.

XI. CHANGES IN EXISTING LAW

In compliance with clause 3 of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman) :

MARINE PROTECTION, RESEARCH, AND SANCTUARIES ACT OF 1972, AS AMENDED

(33 U.S.C. 1401-44; 16 U.S.C. 1431-4; Public Law 95-153)

SEC. 102. * * *

(e) In the case of transportation of material, *by an agency or instrumentality of the United States or by a vessel or aircraft registered in the United States or flying the United States flag*, from a location in a foreign State Party to the Convention, a permit issued pursuant to the authority of that foreign State Party, in accordance with Convention requirements, and which otherwise could have been issued pursuant to subsection (a) hereof, shall be accepted, for the purposes of this title,

as if it were issued by the Administrator under the authority of this [section.] *section: Provided, That in the case of an agency or instrumentality of the United States, no application shall be made for a permit to be issued pursuant to the authority of a foreign State Party to the Convention unless the Administrator concurs in the filing of such application.*

* * * * *

SEC. 106. (a) After the effective date of this title, all licenses, permits, and authorizations other than those issued pursuant to this title shall be void and of no legal effect, to the extent that they purport to authorize any activity regulated by this title, and whether issued before or after the effective date of this title.

(b) The provisions of subsection (a) shall not apply to actions taken before the effective date of this title under the authority of the Rivers and Harbors Act of 1899 (30 Stat. 1151), as amended (33 U.S.C. 401 et seq.).

(c) Prior to issuing any permit under this title, if it appears to the Administrator that the disposition of material, other than dredged material, may adversely affect navigation in the territorial sea of the United States, or in the approaches to any harbor of the United States, or may create an artificial island on the Outer Continental Shelf, the Administrator shall consult with the Secretary and no permit shall be issued if the Secretary determines that navigation will be unreasonably impaired.

(d) After the effective date of this title, no State shall adopt or enforce any rule or regulation relating to any activity regulated by this title. Any State may, however, propose to the Administrator criteria relating to the dumping of materials into ocean waters within its jurisdiction, or into other ocean waters to the extent that such dumping may affect waters within the jurisdiction of such State, and if the Administrator determines, after notice and opportunity for hearing, that the proposed criteria are not inconsistent with the purposes of this title, may adopt those criteria and may issue regulations to implement such criteria. Such determination shall be made by the Administrator within one hundred and twenty days of receipt of the proposed criteria. For the purposes of this subsection, the term "State" means any State, interstate or regional authority, Federal territory or Commonwealth or the District of Columbia.

(e) Nothing in this title shall be deemed to affect in any manner or to any extent any provision of the Fish and Wildlife Coordination Act as amended (16 U.S.C. 661-666c).

(f) *Notwithstanding any other provision of law, dumping of dredged materials in the Long Island Sound shall comply with the provisions of Section 103 of this Act, in addition to other applicable Federal and state requirements.*

* * * * *

SEC. 111. There are hereby authorized to be appropriated not to exceed \$3,600,000 for fiscal year 1973, not to exceed \$5,500,000 for each of the fiscal years 1974 and 1975, not to exceed \$5,300,000 for fiscal year 1976, not to exceed \$1,325,000 for the transition period (July 1 through September 30, 1976), not to exceed \$4,800,000 for fiscal year 1977, [and] not to exceed \$4,800,000 for fiscal year 1978, and not to exceed

\$1,039,000 for fiscal year 1981, for the purposes and administration of this subchapter, and for succeeding fiscal years only such sums as the Congress may authorize by law.

* * * * *

[SEC. 203. The Secretary of Commerce shall conduct and encourage, cooperate with, and render financial and other assistance to appropriate public (whether Federal, State, interstate, or local) authorities, agencies, and institutions, private agencies and institutions, and individuals in the conduct of, and to promote the coordination of, research, investigations, experiments, training, demonstrations, surveys, and studies for the purpose of determining means of minimizing or ending all dumping of materials within five years of the effective date of this Act.]

SEC. 203. (a) The Administrator of the Environmental Protection Agency shall—

(1) conduct research, investigations, experiments, training, demonstrations, surveys, and studies for the purpose of—

(A) determining means of minimizing or ending, as soon as possible after the date of the enactment of this section, the dumping into ocean waters, or waters described in section 101(b), of material which may unreasonably degrade or endanger human health, welfare, or amenities, or the marine environment, ecological systems, or economic potentialities, and

(B) developing disposal methods as alternatives to the dumping described in subparagraph (A); and

(2) encourage, cooperate with, promote the coordination of, and render financial and other assistance to appropriate public authorities, agencies, and institutions (whether Federal, State, interstate or local) and appropriate private agencies, institutions, and individuals in the conduct of research and other activities described in paragraph (1).

(b) Nothing in this section shall be construed to affect in any way the December 31, 1981, termination date, established in section 4 of the Act of November 4, 1977 (Public Law 95-153; 33 U.S.C. 1412a), for the ocean dumping of sewage sludge.

SEC. 204. There are authorized to be appropriated for the first fiscal year after October 23, 1972, and for the next two fiscal years thereafter such sums as may be necessary to carry out this title, but the sums appropriated for any such fiscal year may not exceed \$6,000,000. There are authorized to be appropriated not to exceed \$1,500,000 for the transition period (July 1 through September 30, 1976), not to exceed \$5,600,00 for fiscal year 1977, [and] not to exceed \$6,500,000 for [fiscal year 1978.] *fiscal year 1978, not to exceed \$11,396,000 for fiscal year 1981.*

* * * * *

(16 U.S.C. 1431-1434)

SEC. 301. Notwithstanding the provisions of subsection (h) of section 3 of this Act, the term "Secretary", when used in this title, means Secretary of Commerce. The term "State", when used in this title, means any of the several States or any territory or possession of the United States which has a popularly elected Governor.

SEC. 302. (a) The Secretary, after consultation with the Secretaries of State, Defense, the Interior, and Transportation, the Administrator, and the heads of other interested Federal agencies, and with the approval of the President, may designate as marine sanctuaries those areas of the ocean waters, as far seaward as the outer edge of the Continental Shelf (15 U.S.T. 74; TIAS 5578), of other coastal waters where the tide ebbs and flows, or of the Great Lakes and their connecting waters, which he determines necessary for the purpose of preserving or restoring such areas for their conservation, recreational, ecological, or esthetic values. The consultation shall include an opportunity to review and comment on a specific proposed designation.

(b) (1) Prior to designating a marine sanctuary which includes waters lying within the territorial limits of any State or superjacent to the subsoil and seabed within the seaward boundary of a coastal state, as that boundary is defined in section 2 of title I of the Act of May 22, 1953 (67 Stat 29), the Secretary shall consult with, and give due consideration to the views of, the responsible officials of the State involved. [As to such waters, a designation under this section shall become effective sixty days after it is published, unless the Governor of any State involved shall, before the expiration of the sixty-day period, certify to the Secretary that the designation, or a specified portion thereof, is unacceptable to his State, in which case the designated sanctuary shall not include the area certified as unacceptable until such time as the Governor withdraws his certification of unacceptability.]

(2) *A designation under this section shall become effective unless—*

(A) *the Governor of any State described in paragraph (1) certifies to the Secretary, before the end of the sixty-day period beginning on the date of the publication of the designation, that the designation or any of its terms described in subsection (f) (1), are unacceptable to his State, in which case those terms certified as unacceptable will not be effective in the waters described in paragraph (1) in such State until the Governor withdraws his certification of unacceptability; or*

(B) *both Houses of Congress adopt a concurrent resolution in accordance with subsection (h) which disapproves the designation or any of its terms described in subsection (f) (1).*

The Secretary may withdraw the designation after any such certification or resolution of disapproval. If the Secretary does not withdraw the designation, only those portions of the designation not certified as unacceptable under subparagraph (A) or not disapproved under subparagraph (E) shall take effect.

(c) When a marine sanctuary is designated, pursuant to this section, which includes an area of ocean waters outside the territorial jurisdiction of the United States, the Secretary of State shall take such actions as may be appropriate to enter into negotiations with other Governments for the purpose of arriving at necessary agreements with those Governments, in order to protect such sanctuary and to promote the purposes for which it was established.

(d) The Secretary shall submit an annual report to the Congress, on or before November 1 of each year, setting forth a comprehensive review of his actions during the previous fiscal year undertaken pursuant to the authority of this section, together with appropriate rec-

ommendation for legislation considered necessary for the designation and protection of marine sanctuaries.

(e) Before a marine sanctuary is designated under this section, the Secretary shall hold public hearings on the coastal areas which would be most directly affected by such designation, for the purpose of receiving and giving proper consideration to the views of any interested party. Such hearings shall be held no earlier than thirty days after the publication of a public notice thereof.

[(f) After a marine sanctuary has been designated under this section, the Secretary, after consultation with other interested Federal agencies, shall issue necessary and reasonable regulations to control any activities permitted within the designated marine sanctuary, and no permit, license, or other authorization issued pursuant to any other authority shall be valid unless the Secretary shall certify that the permitted activity is consistent with the purposes of this title and can be carried out within the regulations promulgated under this section.]

(f) (1) *The terms of the designation shall include the geographic area included within the sanctuary; the characteristics of the area that give it conservation, recreational, ecological, or esthetic value; and the types of activities that will be subject to regulation by the Secretary in order to protect those characteristics. The terms of the designation may be modified only by the same procedures through which an original designation is made.*

(2) *The Secretary, after consultation with other interested Federal and State agencies, shall issue necessary and reasonable regulations to implement the terms of the designation and control of the activities described in it, except that all permits, licenses, and other authorizations issued pursuant to any other authority shall be valid unless such regulations otherwise provide.*

(3) *The Secretary shall conduct such research as is necessary and reasonable to carry out the purposes of this title.*

(4) *The Secretary and the Secretary of the department in which the Coast Guard is operating shall conduct such enforcement activities as are necessary and reasonable to carry out the purposes of this title. The Secretary shall, whenever appropriate and in consultation with the Secretary of the department in which the Coast Guard is operating, utilize by agreement the personnel, services, and facilities of other Federal departments, agencies, and instrumentalities, or State agencies or instrumentalities, whether on a reimbursable or a nonreimbursable basis in carrying out his responsibilities under this title.*

(g) *The regulations issued pursuant to subsection (f) shall be applied in accordance with recognized principles of international law, including treaties, conventions, and other agreements to which the United States is signatory. Unless the application of the regulations is in accordance with such principles or is otherwise authorized by an agreement between the United States and the foreign State of which the affected person is a citizen or, in the case of the crew of a foreign vessel, between the United States and flag State of the vessel, no regulation applicable to ocean waters outside the territorial jurisdiction of the United States shall be applied to a person not a citizen of the United States.*

(h) (1) *For purposes of subsection (b) (2) (B), the Secretary shall transmit to the Congress a designation of a marine sanctuary at the*

time of its publication. The concurrent resolution described in subsection (b) (2) (B) is a concurrent resolution which is adopted by both Houses of Congress before the end of the first period of sixty calendar days of continuous session of Congress after the date on which the designation is transmitted, the matter after the resolving clause of which is as follows: "That the Congress does not favor the taking of effect of the following terms of the marine sanctuary designation numbered _____ transmitted to Congress by the Secretary of Commerce on _____," the first blank space being filled with the number of the designation, the second blank space being filled with the date of the transmittal, and the third blank space being filled with the terms of the designation which are disapproved (or the phrase "the entire designation" if the entire designation is disapproved).

(2) For the purpose of paragraph (1) of this subsection—

(A) continuity of session is broken only by an adjournment of Congress sine die; and

(B) the days on which either House is not in session because of an adjournment of more than three days to a day certain are excluded in the computation of the sixty day period.

(3) A designation which becomes effective, or that portion of a designation which takes effect under subsection (b), shall be printed in the Federal Register.

* * * * *

Sec. 304. There are authorized to be appropriated not to exceed \$10,000,000 for each of the fiscal years 1973, 1974, and 1975, not to exceed \$6,200,000 for fiscal year 1976, not to exceed \$1,550,000 for the transition period (July 1 through September 30, 1976), not to exceed \$500,000 for fiscal year 1977, [and] not to exceed \$500,000 for fiscal year 1978, and not to exceed \$2,250,000 for fiscal year 1981 to carry out the provisions of this title, including the acquisition, development, and operation of marine sanctuaries designated under this title.

* * * * *

PUBLIC LAW 95-153

(33 U.S.C. 1412a)

SEC. 4. (a) The Administrator of the Environmental Protection Agency (hereinafter referred to in this section as the "Administrator") shall end the dumping of sewage sludge and industrial waste into ocean waters, or into waters described in section 101 (b) of [Public Law 92-532,] the Marine Protection, Research, and Sanctuaries Act of 1972, as soon as possible after the date of enactment of this section, but, except as provided in subsection (b), in no case may the Administrator issue any permit, or any renewal thereof (under title I of [the Marine Protection, Research, and Sanctuaries] such Act of 1972) which authorizes any such dumping after December 31, 1981.

[(b) For purposes of this section, the term "sewage sludge" means any solid, semisolid, or liquid waste generated by a municipal wastewater treatment plant the ocean dumping of which may unreasonably degrade or endanger human health, welfare, amenities, or the marine environment, ecological systems, or economic potentialities.]

(b) After December 31, 1981, the Administrator may issue permits under such title I for the dumping of industrial waste into ocean waters, or into waters described in such section 101(b), if the Administrator determines—

(1) that the proposed dumping is necessary to conduct research—

(A) on new technology related to ocean dumping, or

(B) to determine whether the dumping of such substance will unreasonably degrade or endanger human health, welfare, or amenities, or the marine environment, ecological systems, or economic potentialities;

(2) that the scale of the proposed dumping is such that the dumping will have minimal adverse impact upon the human health, welfare, and amenities, and the marine environment, ecological systems, and economic potentialities; and

(3) after consultation with the Secretary of Commerce, that the potential benefits of such research will outweigh any such adverse impact.

Each permit issued pursuant to this subsection shall be subject to such conditions and restrictions as the Administrator determines to be necessary to minimize possible adverse impacts of such dumping. No permit issued by the Administrator pursuant to this subsection may have an effective period of more than six consecutive months.

(C) For purposes of this section—

(1) The term "sewage sludge" means any solid, semisolid, or liquid waste generated by a municipal wastewater treatment plant the ocean dumping of which may unreasonably degrade or endanger human health, welfare, or amenities, or the marine environment, ecological systems, or economic potentialities; and

(2) the term "industrial waste" means any solid, semisolid, or liquid waste generated by a manufacturing or processing plant the ocean dumping of which may unreasonably degrade or endanger human health, welfare, or amenities, or the marine environment, ecological systems, or economic potentialities.

AMENDMENTS TO H.R. 6616, MARINE PROTECTION, RESEARCH, AND SANCTUARIES ACT (OCEAN DUMPING ACT) AUTHORIZATION

ADOPTED BY THE COMMITTEE ON SCIENCE AND TECHNOLOGY ON
APRIL 22, 1980

1. On page 3, line 17, strike "10,396,000" and insert in lieu thereof "11,396,000".

Increases Title II authorization which includes:

NOAA ocean dumping research.....	\$2,983,000
NOAA long-term effects research.....	6,431,000
Resource assessment studies.....	1,482,000
Hudson-Raritan estuary study.....	500,000
Total	11,396,000

The \$1,000,000 net increase in Title II authorization is composed of two components: a \$500,000 reduction for a wet-weather technology study in the New York Bight area, which will not be authorized in

FY 1981 under this bill, but rather under the EPA research and development bill (H.R. 7099); and \$1,500,000 to expand studies of the long-term effects of the Campeche oil spill, as proposed in NOAA's October 8, 1979 Ixtoc I Damage Assessment Plan.

2. On page 10, strike out Section 9 and insert in lieu thereof the following:

SEC. 9. Section 106 of the Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 1416) is amended by adding at the end thereof a new subsection as follows: "(f) Notwithstanding any other provision of law, dumping of dredged materials in the Long Island Sound shall comply with the provisions of Section 103 of this Act, in addition to other applicable Federal and state requirements."

At the present time, different tests are used for assessing the suitability of dredge spoil for disposal in the open ocean vs. disposal in Long Island Sound. This amendment would afford Long Island Sound the same degree of protection as ocean waters. The amendment also makes it clear that State jurisdiction, as defined by the Clean Water Act, is not affected by Section 9.

XII. COMMITTEE RECOMMENDATION ON ENACTMENT

A quorum being present, the Committee on Science and Technology favorably reported the bill, H.R. 6616, by unanimous voice vote, with two amendments, and recommends its enactment.

